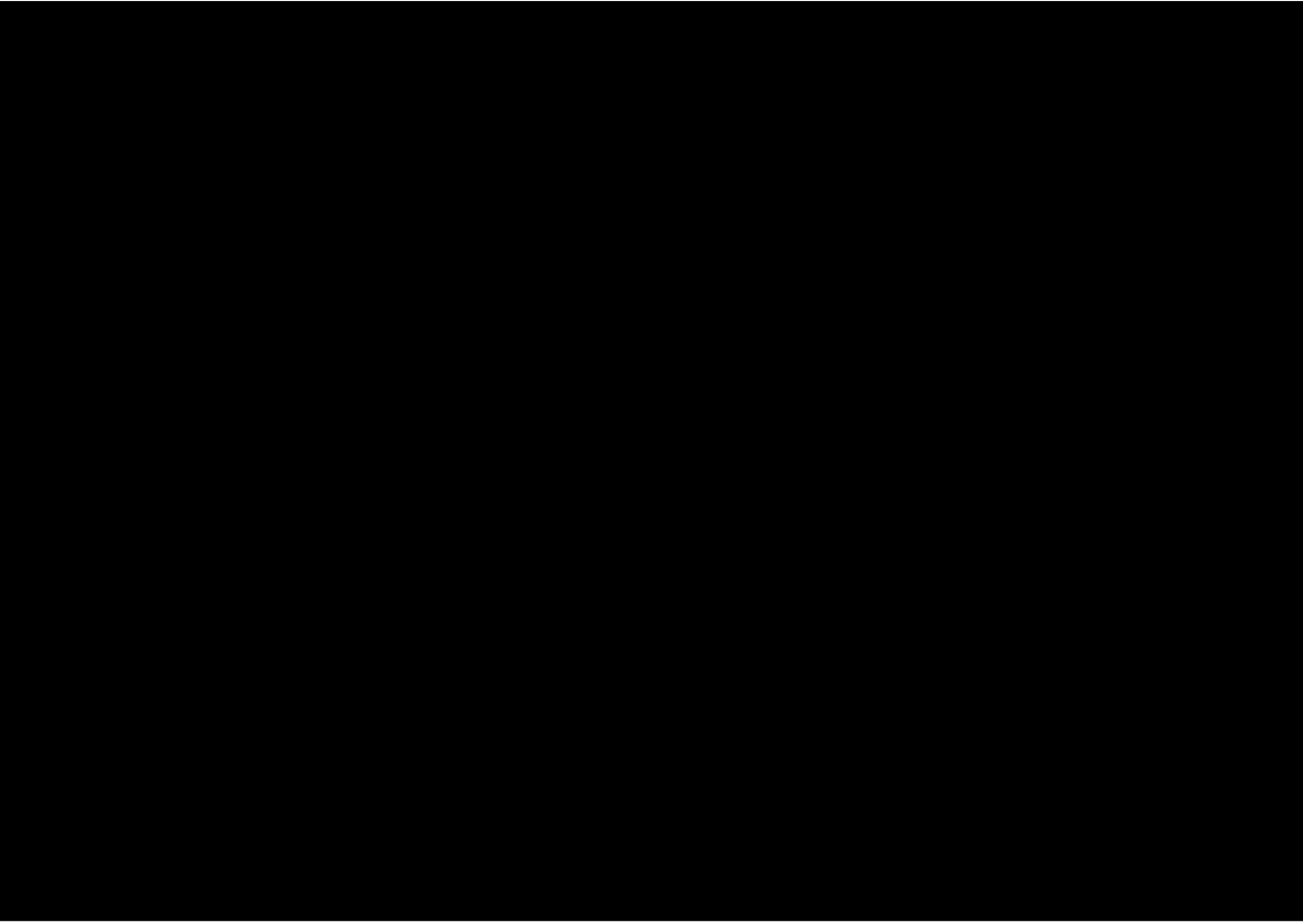




From: Raymond Cole <Raymond.Cole@arun.gov.uk>

Sent: 16 February 2021 13:42

To: paul collins [REDACTED]

Subject: P/4/21/PL - Material change of use of land from agricultural use to use for open space - Land at Sefter Road, Hook Lane and Pagham Road, Pagham

Dear Mr Collins

I refer to the above application for planning permission and to your e-mail sent on 13 February 2021 at 13:42, with which you attached the title extract and plan for one of three titles that cover the land the subject of this application.

The application is dated 12 January 2021 and includes a Certificate D ownership certificate. You stated that you conducted Land Registry searches and publicised the application in the Bognor Regis Observer on 12 January 2021.

As you are aware the requirements in relation to certificates are contained in the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 which requires notices to be served on owners of the land and requires the applicant to certify compliance in the application.

Article 13(1) of the Order states:

"Except where paragraph (2) applies [not relevant here], an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant –

- (a) by serving the notice on every such person whose name and address is known to the applicant; and*
- (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality..."*

Section 65 of the Act states that a local planning authority "shall not entertain" an application unless requirements are met and that any person who knowingly or recklessly issues a false or misleading certificate is guilty of an offence.

I understand that there are three registered titles on this application site, namely WSX341713, SX 12015 and WSX153583. You have provided the LR title WSX341713 but do not appear to have notified the owners of that title. It is not clear why. Additionally, there are two other titles that you do not appear to have actioned. An owner is defined as a person having a freehold or leasehold interest with an unexpired term not less than 7 years.

The legislation is clear. The onus is upon you to 'give requisite notice to an owner, or a tenant'. If not then the LPA 'shall not entertain' the application.

In light of the above, I must ask you to examine all three titles, give notice as required and submit the proper certificate.

Yours sincerely

Raymond Cole
Principal Planning Officer
Directorate of Place

T: 01903 737598
E: raymond.cole@arun.gov.uk

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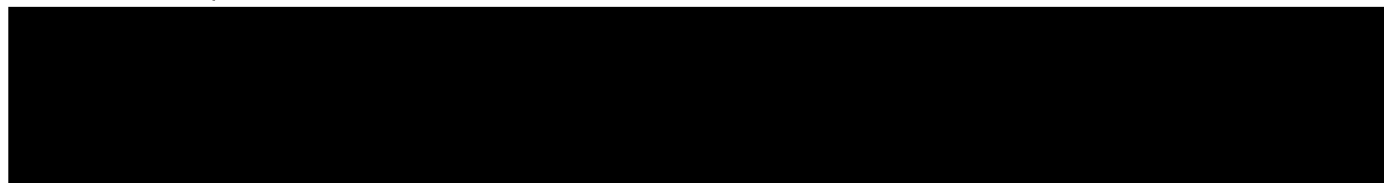


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From: paul collins [REDACTED]
Sent: 13 February 2021 13:42



Subject: P/4/21 - Material change of use of land from agricultural use to use for open space. - Land at Sefter Road, Hook Lane and Pagham Road Pagham

Dear All

I refer to the representation made on behalf of Hallam Land Management Limited dated 11 February 2021 (copy attached for cc recipients) and respond as follows:

Procedural matters

I note that the representation made does not challenge the fact that the application is made lawfully and may be determined by ADC as the LPA as submitted. The planning system entitles anyone to apply for permission to develop

any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served and these requirements have been met.

Ownership matters

I attach the land registry documents for this site and highlight the facts that neither Hallam Land Management Limited or Bellway Homes (who the author of the representation made represents) have a notifiable interest in the site for the purposes article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as they are not freeholder owners, or Leaseholders of the site or agricultural tenants. I also point out that neither Hallam Land nor Bellway Homes have an interest in all of the site to which my application relates and that their interests do not extend to all of the land that is subject to the Outline Planning permission granted under ADC Ref: P/30/19 OUT and its related s106 Agreement or the site subject to the current but undetermined Application made under ADC Ref: P/ 132/20 RES.

Policy matters

I attach a copy of Policy GI SP1 Green Infrastructure and development together with the related Policy Map for Pagham which together demonstrate that the development plan identifies and allocates the site of my application as Green Infrastructure for the purposes of this policy and its supporting text. I am aware that this is in conflict with ALP Policies HSP1, H SP2 and SP2a which allocate SD2 Pagham North for development with 800 houses so that there is therefore an in built conflict within the Arun Local Plan in terms of policies adopted at the same time. As I have said in the supporting documents to my application Policies HSP1, H SP2 and SP2a are out of date housing policies for the purposes of applying the presumption in favour of sustainable development at Framework 2019 Paragraph 11 d and footnote 7.

How must a decision on my application for planning permission be made?

Unlike the author of the letter of representation to which I refer I do not intend to presume or assert how ADC should determine my application in such circumstances as I have no need to do so as this is clearly spelt out in the relevant legislation and the related PPG also attached,

However I do wish to record for the record that the facts that I have no legal or financial interest in the site and cannot therefore implement the planning permission if granted are not material considerations for the purposes of determining the application in accordance with Section 38 (6) of the act and my motives for making the application (which are not as presumed and asserted by the author of the subject letter in any case) are not material considerations either. However if ADC as the decision maker wishes to know what my motives are they only have to ask and they have not done so to date.

Therefore I remain expectant and look forward to receiving a decision from ADC in respect of my application made in accordance with all relevant legislation and material considerations by the due date which is 11/3/21.

Please place this e mail and the attachments on the following files P/4/21 and P/132/20 RES.

Paul Collins BA (Hons) DipTP

[REDACTED]